

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TENNESSEE**

**OFFICE OF THE CLERK**

P.O. Box 591

Chattanooga, Tennessee 37401

(423) 752-5200

**PATRICIA L. McNUTT**  
Clerk of the Court

**JOHN L. MEDEARIS**  
Chief Deputy Clerk

October 9, 2003

RE: UnumProvident Corp. Securities, Derivative & "ERISA" Litigation

Dear Counsel:

The transfer order has been filed by the Judicial Panel on Multidistrict Litigation on September 2, 2003, transferring these cases to the Eastern District Of Tennessee. The lead case number is 1:03-MD-1552. The civil action number assigned by this district to each transferred action is as follows:

1:03-cv-1000 Edmundo M. Rombeiro v. Unum Life Insurance Co. of America, et al  
1:03-cv-1001 Marcia Harris v UnumProvident Corp., et al  
1:03-cv-1002 Theresa Keir, et al, v. UnumProvident Corp., et al  
1:03-cv-1003 Silvio Azzolini v. CorTS Trust II for Provident Financial Trust I, et al  
1:03-cv-1004 Thomas P. Davis, et al, v. UnumProvident Corp., et al.

The transferee judge is the Honorable Curtis L. Collier. Enclosed is a copy of Judge Collier's Practice and Procedure Order which was filed today.

You may contact Geneva L. Ashby, Deputy Clerk-in-Charge, at the following address and phone number:

U. S. District Court Clerk's Office  
P. O. Box 591  
Chattanooga, TN 37401

OR

U. S. District Court Clerk's Office  
900 Georgia Ave., Room 309  
Chattanooga, TN 37402.

Phone: 423-752-5200

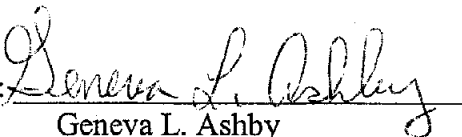
E-mail: [geneva\\_ashby@tned.uscourts.gov](mailto:geneva_ashby@tned.uscourts.gov).

Our Local Rules are available on our website: [www.tned.uscourts.gov](http://www.tned.uscourts.gov). Local Rule 5.1 governs the general format of paper filing. All papers filed in the transferred cases must be filed in this office at the above address.

If you have any questions please call me at the above number.

Sincerely,

Patricia L. McNutt, Clerk

By:   
Geneva L. Ashby

Deputy Clerk-in-Charge

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

FILED

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In Re: UnumProvident Corp. Securities,  
Derivative & "ERISA" Litigation

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1:03-md-1552  
ALL CASES

U.S. DISTRICT COURT  
EASTERN DISTRICT TENN.

CLERK

**PRACTICE AND PROCEDURE ORDER**

1. This order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation in its order of September 2, 2003, *see In Re UnumProvident Corp. Securities, Derivative & "ERISA" Litigation*, No. 1552 (2003 WL 22076554), as well as the actions originally filed in this Court which the Panel identified as related (Attachment A). This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Panel after September 2, 2003, and any actions filed in this district or otherwise transferred or removed to this Court which the Court determines are related.
2. A signed original of any document shall be filed; no paper copies should be filed. All documents filed in these actions shall be styled in the same manner as this order with the docket number "1:03-md-1552." If the document relates to all actions, the docket number shall be followed with the notation "*ALL CASES*." If the document does not relate to all actions, the individual docket number (or the lead docket number of consolidated actions) of those actions to which the document relates shall also be listed.
3. All documents filed in any of the actions identified in paragraph 1 of this order shall be filed with the Clerk of this Court and not with the transferor court.
4. All documents filed in these actions shall also be submitted on a computer readable compact disc or 3½ inch diskette ("diskette") which shall be filed at the time the paper document is filed. With the exception noted below, these documents shall be submitted in **WordPerfect for Windows format**. The diskette is not required to, but may, contain scanned documents, *e.g.*, affidavits, exhibits, and administrative records. Scanned documents may be submitted in **portable document format (".pdf")**. The label of the diskette shall include: MDL No. 1:03-md-1552; the individual case number if the document does not relate to all actions; the identity of the document(s) being filed (*e.g.*, motion for -----, response to motion for -----, etc.); counsel's name; and the first named represented party.

A party may be relieved of the requirements of this paragraph by submitting a written application for a waiver, in a timely manner in advance of filing of the document, certifying that compliance with this paragraph would impose an undue hardship, that the text of the document cannot be submitted on a computer readable diskette, or that unusual circumstances preclude compliance with this paragraph. The requirements of this paragraph shall not apply

to parties appearing *pro se*, although *pro se* parties are encouraged to comply with this paragraph.

5. Counsel who appeared in the transferor district court prior to transfer need not enter an appearance in these actions.
6. Prior to the first pretrial conference, service of all filings shall be on each of the attorneys on the MDL-1552 Attorney Service List (Attachment B). Any attorney who wishes to have his or her name added to or deleted from the MDL-1552 Attorney Service List may do so upon request to the Clerk of this Court with notice to the attorneys on the list. Service shall be deemed sufficient if made upon all attorneys on the list. The parties shall present to the Court at the first pretrial conference a list of attorneys for purposes of service. **Only one attorney for each party separately represented shall be included on the list.**
7. No parties to any of these actions shall be required to obtain local counsel in this district and the requirements of E.D. TN. LR 83.5 are waived as to any attorney appearing in these actions who is admitted to practice before any United States Court.
8. The second paragraph of E.D. TN. LR 7.2 will not govern these actions. Hearings shall not be held on any motions except by order of the Court.
9. **Counsel are expected to make every effort to avoid duplicate filings.** Any filing in these actions which is substantially identical to any other filing in another of these actions shall be sufficient if it incorporates by reference the filing to which it is substantially identical. Where counsel for more than one party plan to file substantially identical documents they shall join in the submission of such filing and shall file only one document on behalf of all so joined.
10. Any orders, including protective orders, previously entered in these actions, including orders entered by any transferor court, shall remain in full force and effect until modified by this Court.
11. All discovery proceedings in these actions are **STAYED** until further order of the Court and the time requirements to perform any acts or file any documents pursuant to Fed. R. Civ. P. 26–37 are tolled until the first pretrial conference, at which time a discovery schedule will be established.
12. The Court will be guided by the most recent edition of the *Manual for Complex Litigation* approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with the manual.
13. All other matters will be discussed at the initial pretrial conference (to be scheduled by the Court and announced in a subsequent notice). No later than 10 days before the initial pretrial conference, counsel shall furnish suggestions for items to be included on the agenda for the

conference. Suggestions should be made by letter to the Deputy Clerk in Charge of the Chattanooga Division with copies to attorneys on the MDL-1552 Attorney Service List.

**SO ORDERED.**

**ENTER:**

## ATTACHMENT A

### MDL-1552 -- In re UnumProvident Corp. Securities, Derivative & "ERISA" Litigation

#### Northern District of California

*Edmundo M. Rombeiro v. Unum Life Insurance Co. of America, et al.*, C.A. No. 3:02-4018

#### Southern District of Illinois

*Marcia Harris v. UnumProvident Corp., et al.*, C.A. No. 3:03-217

#### Southern District of New York

*Theresa Keir, et al. v. UnumProvident Corp., et al.*, C.A. No. 1:02-8781

*Silvio Azzolini v. CortS Trust II for Provident Financial Trust I, et al.*, C.A. No. 1:03-3257

#### Eastern District of Pennsylvania

*Thomas P. Davis, et al. v. UnumProvident Corp., et al.*, C.A. No. 2:03-940

#### Eastern District of Tennessee

*Joan Ferrari v. William L. Armstrong, et al.*, C.A. No. 1:02-386

*Frank W. Knisley v. UnumProvident Corp., et al.*, C.A. No. 1:03-49

*Steven Rasner v. UnumProvident Corp., et al.*, C.A. No. 1:03-54

*Fern Lerner v. William L. Armstrong, et al.*, C.A. No. 1:03-59

*Abraham Elias v. UnumProvident Corp., et al.*, C.A. No. 1:03-81

*Richard Stolz v. UnumProvident Corp., et al.*, C.A. No. 1:03-84

*Robert Friedman v. J. Harold Chandler, et al.*, C.A. No. 1:03-86

*Yoram Levy v. J. Harold Chandler, et al.*, C.A. No. 1:03-103

*Guy Patterson v. J. Harold Chandler, et al.*, C.A. No. 1:03-109

*Raymond P. Miller v. UnumProvident Corp., et al.*, C.A. No. 1:03-119

*Doreen Gee v. UnumProvident Corp., et al.*, C.A. No. 1:03-147

*Richard P. Martin v. UnumProvident Corp., et al.*, C.A. No. 1:03-162

**ATTACHMENT B**  
**MDL-1552 Attorney Service List**

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